

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHRISS W. STREET,

Plaintiff,

v.

THE END OF THE ROAD TRUST AND
AMERICAN TRAILER INDUSTRIES, INC.,

Defendants.

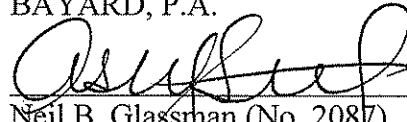
CIVIL ACTION NO. 07-65 JJF

**PETITIONER CHRISS W. STREET'S MOTION PURSUANT TO
FED. R. CIV. P. 59(E) AND LOCAL RULE 7.1.5 FOR CLARIFICATION
AND/OR RECONSIDERATION OF MEMORANDUM OPINION AND ORDER**

Petitioner/Plaintiff Chriss W. Street ("Mr. Street"), by his undersigned counsel, hereby moves (the "Motion") pursuant to Rule 59(e) of the Federal Rules of Civil Procedure and Local Rule 7.1.5 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware for clarification and/or reconsideration of the Court's April 29, 2008 Memorandum Opinion, Docket No. 36, and Order, Docket No. 35, denying the Motion to Remand to Court of Chancery of the State of Delaware and for Abstention Under 28 U.S.C. § 1334(c). In support of the Motion, Mr. Street incorporates herein by reference the Memorandum in Support of Motion Pursuant to Fed. R. Civ. P. 59(e) and Local Rule 7.1.5 for Clarification and/or Reconsideration of Memorandum Opinion and Order filed contemporaneously herewith.

Dated: May 9, 2008

BAYARD, P.A.



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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CHRISS W. STREET,

Plaintiff,

v.

THE END OF THE ROAD TRUST AND
AMERICAN TRAILER INDUSTRIES, INC.,

Defendants.

CIVIL ACTION NO. 07-65 JJF

**ORDER GRANTING MOTION PURSUANT TO
FED. R. CIV. P. 59(E) AND LOCAL RULE 7.1.5 FOR CLARIFICATION
AND/OR RECONSIDERATION OF MEMORANDUM OPINION AND ORDER**

WHEREAS on May 9, 2008, Petitioner Chriss W. Street moved (the “Motion”) pursuant to Rule 59(e) of the Federal Rules of Civil Procedure and Local Rule 7.1.5 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware for clarification and/or reconsideration of the Court’s April 29, 2008 Memorandum Opinion, Docket No. 36 (the “Memorandum Opinion”), and Order, Docket No. 35, denying the Motion to Remand to Court of Chancery of the State of Delaware and for Abstention Under 28 U.S.C. § 1334(c). In particular, Mr. Street sought clarification that the Court made no factual determination that Mr. Street was removed as trustee of the Trust or that Mr. Street drafted the Employment Agreements (*see* Memorandum Opinion at pp. 2-3);¹ and

WHEREAS this Court has considered the Motion, and any responses to the Motion, if any, and the arguments and submissions of counsel; and

¹ Any term not defined herein shall have the meaning ascribed to it in the Memorandum Opinion.

WHEREAS this Court did not intend to suggest it had made specific factual findings with respect to Mr. Street's resignation or the drafting of the Employment Agreements; and

WHEREAS this Court concludes that the Motion should be granted;

IT IS HEREBY ORDERED this _____ day of _____, 200__ that

1. The Motion is GRANTED; and
2. The Memorandum Opinion and Order are hereby amended to remove any reference to Mr. Street's alleged removal as trustee of the Trust. The phrase "his removal" is therefore stricken from page 2 and elsewhere in the Memorandum Opinion and Order and replaced with "the cessation of Mr. Street's tenure."
3. The Memorandum Opinion and Order are hereby amended to remove any reference to Mr. Street's alleged drafting of the Employment Agreements. The phrase "drafted and" is therefore stricken from pages 2 in the Memorandum Opinion. In addition, the phrase "was drafted by Street, and" is stricken from pages 3 in the Memorandum Opinion.

Dated: _____, 2008

United States District Judge

CERTIFICATE OF SERVICE

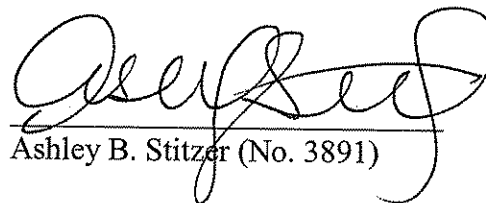
I, Ashley B. Stitzer, hereby certify that on this 9th day of May, 2008, I caused a copy of the foregoing **Petitioner Chriss W. Street's Motion Pursuant to Fed. R. Civ. P. 59(e) and Local Rule 7.1.5 for Clarification and/or Reconsideration of Memorandum Opinion and Order** to be served upon the following in the manner indicated:

Via Electronic and U.S. First Class Mail

David L. Finger, Esquire
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One Commerce Center
1201 Orange Street, Suite 725
Wilmington, DE 19801-1155

Via Electronic and U.S. First Class Mail

Robert T. Kugler, Esquire
Jacob B. Sellers, Esquire
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Ashley B. Stitzer (No. 3891)